

## prison

A prison is a facility maintained for the confinement of convicted felons. Until the 18th century, exile, execution, and various forms of corporal punishment were the most common penalties for criminal acts. Although jails were commonplace, imprisonment was viewed as a temporary restriction rather than the prescribed penalty for crime. Prisons ranged from workhouses for debtors (Bridewell in Britain and the Maison de Force in Belgium) to such institutions as the Hospice of San Michel in Rome, which was primarily designed to incarcerate incorrigible boys. Retribution was acknowledged as the prime motivation for official punishment.

Under the influence of the 18th-century Enlightenment, however, the extreme harshness of most punishment was questioned for the first time. Attempts were made to fit the severity of the punishment to the severity of the crime, in the belief that the existence of clearly articulated, and just, penalties would act as a deterrent to crime. Thus deterrence, rather than retribution, became a leading principle of European penology.

### Development of U.S. Prisons

From the establishment of the Walnut Street Jail in Philadelphia (1790) through the development of the Auburn, N.Y. (1817), and Pennsylvania (1829) systems, the well-ordered, physically isolated prison was viewed as a mechanism to instill discipline, remove temptation, and rehabilitate the offender. In the Auburn system, prisoners were housed in separate cells at night but worked together during the day; the Pennsylvania system isolated the offender for the entire period of confinement. Both systems, however, were based on the premise that isolation, the substitution of good habits for sloth and crime, and a regimen of silence, penitence, and labor would return the offender to society cured of vices and ready to become a responsible citizen.

Largely because it was a more effective way of harnessing the labor power of prisoners and was thus less costly to adopt, the Auburn system became the dominant method of confinement in the United States. The goal of reformation was eventually shunted into the background—prisons became holding operations, designed to promote a respect for order and authority.

The National Prison Conference, held in Cincinnati, Ohio, in 1870, was the first signal of reform. Encouraged by the recent development of PROBATION and PAROLE, the conference called for the establishment of the indeterminate sentence, which allows a court to specify, within statutory limits, the minimum and maximum length of sentence for a particular offense. It was believed that this type of sentence would give the offender an incentive for rehabilitation, for he or she would be released only when it was determined that satisfactory change had taken place.

In recent years, however, rising crime rates have thrown into question the effectiveness of prison rehabilitation, and several states have returned to mandatory sentencing laws whereby the convict must serve a term of specified length.

### The U.S. Prison System Today

By the end of 1988 the total number of convicted criminals in U.S. federal and state prisons reached 628,000, the largest number ever incarcerated and an increase of some 90 percent over an 8-year period. (Another 150,000 were awaiting trial in local prisons.) The prison population expanded by about 7 percent during 1988, a rate of increase that would require the addition of more than 800 beds per week to U.S. prison capacity—if capacity kept pace with convictions. To a large degree, the national drug problem contributed to this growth: since 1980 the number of arrests for drug violations increased 80 percent.

As a result of the large numbers of prisoners, overcrowding is commonplace in all correctional institutions. Overcrowding can lead to higher levels of tension and aggression, and is a contributory factor in prison riots. There is little doubt that conditions in most prisons are a threat to the safety of inmates and prison staffs alike. Prison guards, usually rural and underqualified, face the open hostility of inmates who are often from urban ghetto environments.

The cost of maintaining prisons is staggering: depending on the type of prison and the state where it is located, an annual \$14,000-30,000 per prisoner. The cost of new construction averages almost \$54,000 per bed (although a maximum-security bed in Massachusetts or West Virginia—where prison costs are highest—reaches \$140,000). In 1989, 43 states were under court order to correct overcrowding in their prisons. A few of these states have turned to private companies, who build and administer new prisons at lower costs than those the states can obtain. Some

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that individuals have a responsibility to follow, and that each person is held to that standard. In addition, the individual is held responsible for the actions of the group, and the group is held responsible for the actions of the individual. This is a very different concept from the one that we have been discussing, which is that the individual is held responsible for the actions of the group, and the group is held responsible for the actions of the individual.

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1. The following information was received from the Bureau of the Census, Washington, D.C., dated 10/10/68, and is being furnished to you for your information:

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criminologists question whether it is appropriate for a state to hand over its correction and detention responsibilities to private enterprise.

The most familiar type of correctional institution is the large, fortresslike, maximum-security prison. Such structures as San Quentin Prison in California are characterized by their massive size, thick stone walls, gun towers, steel doors, multi-tiered cell blocks, large populations, and rural locations. By contrast, medium- and minimum-security institutions are identified by their openness and the absence of strict security procedures. Persons held in such facilities are judged to be less dangerous and therefore better security risks. A myriad of correctional programs and a wide range of counseling programs are offered in many prisons, but their extent is limited by their cost, the size of the prison population, and the expertise of the staff.

Prison work programs have existed since colonial times, although often under rigid restrictions intended to limit their competing with outside industry. Recent attempts to bring outside work into the prison have demonstrated the productive potential of prison labor, however. Under one such program, businesses are offered some type of financial inducement to enter the prison. Inmates are paid the market wage for their labor, and deductions are made for room and board, family support, union dues, taxes, restitution, and savings. Nevertheless, in 1988 only some 50,000 inmates were assigned to prison industry programs.

Medical care is another urgent inmate need, especially with the growing presence of AIDS in the prison population. Many prisoners have exceedingly poor medical histories; they may suffer from the ravages of drug and alcohol abuse. In addition, the population of medically-vulnerable elderly prisoners will increase as inmates serve longer sentences. Despite the need, regular medical services are costly to provide and difficult to maintain. Many institutions have attempted to provide care by contracting for medical services rather than maintaining full-time facilities.

Despite the presence of prison rehabilitation services, one point must be emphasized: prisons have never been schools, factories, hospitals, or psychiatric centers. First and foremost, they are places of confinement. The ever increasing size of the U.S. prison population insures that, in future, most prisons will serve primarily as holding facilities.

### **The Swedish Prison System**

National prison systems vary greatly in facilities and function: many still consider retribution the only penal goal. The Swedish system, however, offers significant contrasts with that of the United States and has been praised for its humanitarian use of imprisonment and its innovative treatment programs. Policy is guided by the recognition that crime is often socially produced, that criminals suffer from "problems in living," and that only truly dangerous offenders should be incarcerated. Sweden therefore offers alternatives, such as fines, to prison. The correctional system features facilities specializing in psychiatric treatment, an industrial prison, and a university release program. Despite these innovations, recent evidence indicates that Sweden, like the United States, now suffers from high rates of recidivism, the commission of new crimes by released prisoners. More punitive policies may be forthcoming.

### **Prison Life**

The criminologist Gresham Sykes has listed the "pains of imprisonment" that both male and female inmates face. The first is the deprivation of liberty and the loneliness and boredom of imprisonment. Second, prisoners are deprived of all goods and services from the outside world. Stripped of possessions, they often equate their material losses with personal inadequacy. The third deprivation, for the majority, is the absence of heterosexual relationships. Fourth, prisoners are subjected to a vast body of institutional regulations designed to control every aspect of behavior.

Male and female prison cultures, however, differ fundamentally, and the differences are largely influenced by role behaviors learned outside of prison. Equally, the values and attitudes attributed to inmate societies are importations from the larger world. Although they are distorted by isolation and deprivation, prison cultures reflect the cultures from which the prisoners have come.

The male inmate is thrown into prolonged intimacy with other men and is forced to assume an aggressive posture and to maintain a constant wariness for his personal safety. Homosexual rape is a common occurrence in male prisons, with attacks generally made on vulnerable new inmates. According to Sykes, however, the greater the degree to which the society of captives moves in the direction of solidarity, the greater the likelihood that the pains

of imprisonment will be rendered less severe. Thus, in male prisons, gangs attempt to define and control the prison experience.

In U.S. female prisons, inmate society is generally made up of informal pseudofamilies. Almost all inmates are part of a "family" and define their relations in kinship terms. The pseudofamily provides a predictable and stable structure of social relations—including homosexual relations—to which a female inmate can turn for support and help. Thus, rape is less of a problem in women's prisons. It is not uncommon, however, for different "families" to come into conflict.

Women are held in smaller prisons with fewer programs and recreational opportunities, and the programs that are offered reflect stereotyped female roles, with emphasis on housekeeping, sewing, clerical, and typing skills. Because female prison populations are growing at a faster pace than are male populations (12.5 percent versus 7.1 percent in 1988), however, even those programs once available to women inmates are becoming more difficult to enter; and living conditions for women prisoner, both in women's prisons and in the women's wings of men's prisons, have grown even more onerous than conditions for men. A recent development, the co-correctional prison, permits a certain level of male-female mixing and offers improved program opportunities for women. Overall, however, women enter prison with more serious health problems than men. Mothers may have the burden of concern about the care of their children while they are in prison.

Given the problems engendered by prison itself, it is not surprising that rehabilitation programs have failed to reduce recidivism in the United States. The number of ex-prisoners who are arrested within three years of their release is estimated at about 60 percent.

### **Legal Rights of Prisoners**

Early U.S. court decisions ruled that prisoners had forfeited all of the rights enjoyed by free citizens. Eventually, the courts recognized certain rights and legal remedies available to prisoners, who may now file their own suits, have direct access to the federal courts, and file writs of HABEUS CORPUS and mandamus. (Under habeus corpus the prisoner may request release, transfer, or another remedy for some aspect of confinement. Mandamus is a command issued by a court directing a prison administrator to carry out a legal responsibility—to provide a sick prisoner with medical care, for example—or to restore to the prisoner rights that have been illegally denied.) Prisoners have sought remedies for many problems, including relief from unreasonable searches, release from solitary confinement, and the procuring of withheld mail. Recent decisions have indicated, however, that the courts are now willing to limit legal suits by prisoners in deference to the security requirements of the prison.

### **Probation and Parole**

Probation is a conditional sentence imposed on a convicted offender by the court, which requires supervision by a probation officer in lieu of incarceration. Parole, the early prison release of an offender after the completion of a portion of the sentence, is a key factor in the indeterminate sentence. Like probation, release on parole is conditional, and if the offender violates the conditions or commits a new crime, the parole can be revoked and the offender returned to prison to complete the sentence. The parole decision is made by a parole board, an administrative body consisting of persons who usually have a background in criminal justice and have been appointed for a fixed term.

Critics of probation and parole contend that such practices are too lenient and permit the offender to escape deserved punishment. Such criticisms have led to laws that forbid the imposition of probation when offenders are convicted of violent crimes and that limit the use of parole.

### **Prison Improvements and Alternatives**

Attempts to aid the prisoner's return to society have led to the development of several innovative programs. The goal of conjugal visitations is to keep marriages intact by permitting social and sexual contact between prisoners and wives. Furloughs provide home visits of 48-72 hours for a prisoner nearing his release date; they are intended to aid in restoring family ties and in job seeking. The work release program permits inmates to test their work skills and earn money outside the institution for the major part of the day. The supervised halfway house is designed to help the parolee make the transition from prison to community. Placement in a halfway house is often a condition of parole.

First-time youthful offenders may be sentenced to short-term "shock incarceration units," which function like Marine



and to develop a better understanding of the impact of the 1997-1998 El Niño event on the hydrological cycle in the Amazon basin.

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of labor and emergency conditions that prohibit work at all, except for emergency maintenance and repair. The number of employees who are involved in the accident is not known. The accident is being investigated by the Bureau of Labor Statistics.

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opinion of scientific and literary historians and has something more than tradition and no less belonging to culture and scientific and literary education in biological and physical fields and in the even scientific field. Unfortunately, however, it failed to get further and has been almost entirely forgotten.

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1. The first group of respondents (about 10%) was the most positive about the program. They felt that the program was a good idea and that it was well organized. They also felt that the program was a good use of resources and that it was a good way to help the community. They also felt that the program was a good way to help the community.

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boot camps. Offenders convicted of nonviolent crimes may receive probation rather than a prison sentence, and must report to a probation officer at regular intervals. They may be required to perform community service, and to pay restitution to their victims. "House arrest" offenders wear devices that send electronic signals notifying probation officers of their whereabouts.

It appears, however, that the major instrument of punishment will remain the prison. In light of the difficulties surrounding its use, prison ideally should be employed as a last resort for those offenders who cannot be handled in any other way.

Gennaro F. Vito

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See also: CRIME; CRIMINAL JUSTICE; INSTITUTIONALIZATION.

## probation

Probation, in law, is a suspension of sentence for a person convicted of a minor offense. First offenders, particularly juvenile offenders, are often granted probation in the belief that society is better served if they are given another chance. The court determines probation after an investigation of the offender's personality and background, usually by a social worker. If the court approves, the offender is allowed to continue his or her normal life, upon promise of good behavior, and is placed under the supervision of a probation officer. The aim is to help the offender rehabilitate himself or herself without the stigma of a sentence or contact with hardened criminals in prison. Another advantage is that society is spared the expense of maintaining a prisoner.

Probation differs from PAROLE, which is a conditional release granted after the offender has served part of the sentence.